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PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of

Makoto NAKAGAWA

Group Art Unit: 4111

Application No.: 10/522,714

Examiner: L. THROWER

Filed: January 28, 2005

Docket No.: 122553

For: HYDRATING CASE FOR MOISTURE-CONTAINING CONTACT LENS AND
HYDRATING METHOD USING IT

APPLICANT'S SEPARATE STATEMENT OF SUBSTANCE OF INTERVIEW

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Further to the November 7, 2008 personal interview with Examiners Thrower and Johnson, Applicant's separate record of the substance of the interview is provided in the following remarks.

REMARKS

Applicant appreciates the courtesies shown to Applicant's representative by Examiners Thrower and Johnson in the November 7, 2008 personal interview. During the personal interview Applicant's representative traversed the rejection of independent claim 1 under 35 U.S.C §102(b) over U.S. Patent No. 5,383,550 to Tsao and the rejection of independent claim 1 under 35 U.S.C. §102(b) over U.S. Patent No. 5,080,839 to Kindt-Larsen. The points presented during the personal interview parallel the arguments presented in the September 29, 2008 Amendment.

With respect to the §102(b) rejection of independent claim 1 over Tsao, as discussed during the personal interview, Tsao fails to disclose a cover that has a tube through-hole formed therein, and a supply tube for supplying a hydrating liquid to a containment recess inserted through the tube through-hole so that when the containment recess is covered by the cover, the hydrating liquid is applied to the containment recess through the supply tube, as recited in independent claim 1.

In particular, Tsao discloses a conventional contact lens carrying/storing case 10 (the alleged hydrating case) that stores lenses between wearing times. See Tsao, col. 1, lines 9-15. The carrying/storing case 10 may also be used for disinfecting lenses. See Tsao, col. 1, lines 6-8. Tsao fails to disclose that the case 10 may be used for hydrating lenses during a manufacturing process. Moreover, Tsao fails to disclose a cover that has a tube through-hole formed therein, and a supply tube for supplying a hydrating liquid to a containment recess that is inserted through the tube through-hole so that when the containment recess is covered by the cover, the hydrating liquid is supplied to the containment recess through the supply tube, as recited in independent claim 1.

Therefore, independent claim 1 is patentable over Tsao. In addition, claims, 2, 3 and 5-10, which depend from independent claim 1, also are patentable over Tsao, at least in view

of the patentability of independent claim 1, as well as for the additional features these claims recite. Accordingly, withdrawal of the rejections is respectfully requested.

With respect to the §102(b) rejection of independent claim 1 over Kindt-Larsen, as discussed during the personal interview, Kindt-Larsen fails to disclose a mouth of a containment recess that is provided with a liquid tight closure so as to constitute a distribution case in which a moisture-containing contact lens is sealed within the containment recess while being in a state of immersion in a distribution storage liquid, as recited in independent claim 1.

In particular, Kindt-Larsen discloses a conventional system for hydrating contact lenses. See Kindt-Larsen, col. 2, lines 61-64. Kindt-Larsen fails to disclose that the cavity 55 of Kindt-Larsen (the alleged containment recess) includes a mouth of a containment recess that is provided with a liquid tight closure by a cover so as to constitute a distribution case in which a moisture-containing contact lens is sealed within the containment while being in a state of immersion in a distribution storage liquid. Moreover, Kindt-Larsen fails to disclose any element that can reasonably be considered to correspond to the claimed mouth of a containment recess.

Therefore, independent claim 1 is patentable over Kindt-Larsen. In addition, claim 9, which depends from independent claim 1, also is patentable over Kindt-Larsen, at least in view of the patentability of independent claim 1, as well as for the additional features this claim recites. Accordingly, withdrawal of the rejections is respectfully requested.

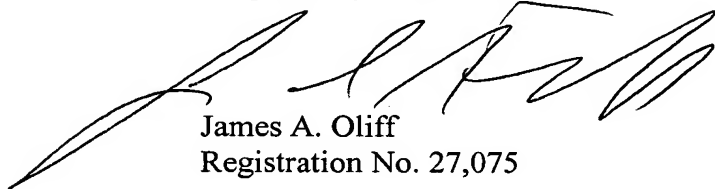
In addition, as discussed during the personal interview, the combination of Tsao and Kindt-Larsen fails to disclose, or render obvious, the claimed combination of features of independent claim 1. In particular, Tsao discloses a conventional contact lens carrying/storing case 10 and Kindt-Larsen discloses a conventional process and system for hydrating contact lenses. That is, the systems of Tsao and Kindt-Larsen are directed to

completely different processes and one having ordinary skill in the art would not be motivated to combine the systems of Tsao and Kindt-Larsen to arrive at the features of independent claim 1.

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,



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Date: November 17, 2008

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